

1 United States District Court for the Middle District of Tennessee

2 801 Broadway Rm 800, Nashville, TN 37203

RECEIVED

JUL 19 2021

US DISTRICT COURT
MID DIST TENN

4 Daniel James Silva

5 Plaintiff

6 13 management Case number:

7 Taylor alison Swift 3:21-cv-00480 Silva v. 13 Management et al

8 Neal and Harwell

9 Jury trial demanded.

10 Defendants

11

12

13 1st Amended RICO Complaint

14

15

1

2 Addresses

3

4 D1 13 management,

5 718 Thompson Ln Ste 108256, Nashville, TN 37204

6

7 D2 Taylor alison Swift

8 2201 Harding Pl, Nashville, TN 37215

9

10

11 D3 Neal and Harwell,

12 1201 Demonbreun St Ste 1000, Nashville, TN 37203

13

14 my address 501 Lester lane , Winston Salem NC 27203

15

16

17

2

1

Factual background

2 Taylor swift, James Douglas Baldridge, Venable LLC, neal and harwell,william T
3 ramsey,mariam n stockton , and mazianio s reliford are actively involved in a RICO
4 conspiracy involving fraudulent Trademarks trademarks (1989 sn: 86363039) and
5 (1989 sn: 86369161) because swifts name of her album is called (T.S. 1989)
6 sn:86369455 not (1989) they have actively been protecting fraudulent
7 trademarks (1989 sn: 86363039) and (1989 sn: 86369161).

8 the following cases have been against Taylor swift, her companies and her
9 lawyers for the following reasons (fraudulent trademarks) (1989 sn: 86363039)
10 and (1989 sn: 86369161), for violating my 5th and 14th amendment rights of due
11 process and RICO violations stemming from the (wire fraud)18 U.S.C. 1343 by
12 swifts lawyers uploaded images and other filing on pacer.gov for all my federal
13 cases more then 12 federal cases and caselink for case 21c444 also sending me
14 copy's is acts of mail fraud 18 U.S.C. Section 1341.

15 there are many federal and state judges who are Taylor's swifts assessors after
16 the fact and have committed they own RICO violations using pacer.gov and
17 caselink to use the mail and internet to spread their fraud,

1 here's a list of the following state and federal judges who are RICO conspirators
2 and the cases they committed their acts,

3

4 **U.S. District Court Northern District of Florida**

5 **4:19-cv-00286-RH-MJF SILVA v. SWIFT**

6 **ROBERT L HINKLE, presiding**

7 **MICHAEL J FRANK, referral**

8

9 **4:19-cv-00290-AW-CAS SILVA v. BALDRIDGE**

10 **ALLEN C WINSOR, presiding**

11 **CHARLES A STAMPELOS, referral**

12

13 **4:21-cv-00024-MW-MAF SILVA v. VENABLE LLP**

14 **MARK E WALKER, presiding**

15 **MARTIN A FITZPATRICK, referral**

16

1 **4:21-cv-00049-WS-MAF SILVA v. SWIFT**

2 **WILLIAM STAFFORD, presiding**

3 **MARTIN A FITZPATRICK, referral**

4

5 **4:21-cv-00095-MW-EMT SILVA v. HINKLE**

6 **MARK E WALKER, presiding**

7 **ELIZABETH M TIMOTHY, referral**

8

9 **4:21-cv-00134-AW-MAF SILVA v. ROSE**

10 **ALLEN C WINSOR, presiding**

11 **MARTIN A FITZPATRICK, referral.**

12

13

14

15

1 **the U.S. District Court for the Middle District of Florida,**

2

3 **3:17-cv-00292-HES-MCR Silva v. Swift**

4 **Harvey E. Schlesinger, presiding**

5 **Monte C. Richardson, referral**

6

7 **3:17-cv-00814-MMH-JRK Silva v. Swift**

8 **Marcia Morales Howard, presiding**

9 **James R. Klindt, referral**

10

11 **3:18-cv-00688-MMH-JRK Silva v. TAS Rights Management, LLC**

12 **Marcia Morales Howard, presiding**

13 **James R. Klindt, referral**

14

15

1 **3:19-cv-00354-TJC-MCR Silva v. Tas Rights Management LLC**

2 **Timothy J. Corrigan, presiding**

3 **Monte C. Richardson, referral**

4

5 **3:20-cv-01343-HES-PDB Silva v. Swift**

6 **Harvey E. Schlesinger, presiding**

7 **Patricia D. Barksdale, referral**

8

9 **6:19-cv-00384-RBD-T_S Silva v. Tas Rights Management LLC**

10 **Roy B. Dalton, Jr., presiding**

11 **T. B. Smith, referral.**

12

13

14

15

1 **U.S. District Court Middle District of Tennessee**

2

3 **3:20-cv-00810 Silva v. Swift et al**

4 **Eli J. Richardson, presiding**

5

6 **3:20-cv-00938 Silva v. Mullen et al**

7 **William L. Campbell, Jr, presiding**

8

9 all judges listed violated my 5th and 14th amendment rights to due process and
10 have allowed fraudulent Trademarks (1989 sn: 86363039) and (1989 sn:
11 86369161) to stay active, because swifts name of her album is called (T.S. 1989)
12 to stay active, those trademarks prevent me due to the trademark act of 1984
13 from selling shirts that say 1989 on it the year of my birth without committing a
14 3rd degree felony.

15

16

1 **the following state and federal judges are in a RICO conspiracy with musician**

2 **Taylor swift,**

3

4 **Federal Judge ROBERT L HINKLE**

5 **Federal Judge MICHAEL J FRANK**

6 **Federal Judge ALLEN C WINSOR**

7 **Federal Judge CHARLES A STAMPELOS**

8 **Federal Judge MARK E WALKER**

9 **Federal Judge MARTIN A FITZPATRICK**

10 **Federal Judge WILLIAM STAFFORD**

11 **Federal Judge ELIZABETH M TIMOTHY**

12 **Federal Judge Harvey E. Schlesinger**

13 **Federal Judge Monte C. Richardson**

14 **Federal Judge Marcia Morales Howard**

15 **Federal Judge James R. Klindt**

16 **Federal Judge Timothy J. Corrigan**

1 **Federal Judge Patricia D. Barksdale**

2 **Federal Judge Roy B. Dalton**

3 **Federal Judge T. B. Smith**

4 **Tennessee state Judge N Even harris**

5 **Tennessee state Judge Dianne Turner**

6 **Tennessee state Judge Joe Binkley JR**

7

8 In short not only are they 18 U.S. Code § 3 - Accessory after the fact but all
9 needed to use the United States federal mail service and pacer and or caselink/
10 efile to file their fraudulent orders committing multiple counts of mail and wire
11 fraud 18 U.S.C. Section 1341—Mail Fraud and 18 U.S. Code § 1343 - Fraud by
12 wire, radio, or television committing their own Rico violations in the process.

13

14 on 5/19/2020 I went to address Harding place to serve defendant Taylor Alison's
15 swift a summary judgment and to attempt an arrest on her for the following
16 crimes,

17 **Multiple counts of Obstruction of justice 1505**

1 **Multiple Rico violations**

2 **Multiple counts of 18 U.S. Code § 241. Conspiracy against rights**

3 **And multiple other crimes along with her lawyer Doug Baldridge he**

4 **orchestrated her crimes,**

5

6 I had gone to address Harding place and when I got there I was met by 2 armed

7 guards but I did not attempt to beach the gate, I handed over a copy of the my

8 civil rights lawsuit for case 4:19-cv-00286-RH-MJF SILVA v. SWIFT et al. a certified

9 complaint and a singed affidavit explaining swifts crimes in detail, on the arresting

10 affidavit by officer Andrew Mullen which he stated (the defendant was trying to

11 serve federal rico violations paperwork to a resident) admitting he knew swift

12 lives at the house and address, he later stated (the defendant was there to serve

13 papers and to make a citizens arrest. Officer MULLEN has blatantly admitted that

14 he not only knew why I was there but after understating why I was there,

15 feloniously obstructing my legitimate citizen's arrest also protecting SWIFT from

16 arrest in the process.

17 by officer Andrew Mullen placing me under arrest for 3rd degree trespass.

1 Mullen and the other 4 officers that where there committed the following civil
2 rights violations and broken the following criminal statutes federal and state
3 committed by all named parities in the lawsuit,

4 **By Mullen arresting me after reading the verified civil rights complaint and**
5 **affidavit he committed,**

6

7 **1st obstruction of justice 1503** (multiple counts) being that lawsuit 4:19-cv-
8 00286-RH-MJF SILVA v. SWIFT et al was pending at the time,

9 **2nd 2010 Tennessee Code**

10 Title 39 - Criminal Offenses

11 Chapter 11 - General Provisions

12 Part 4 - Criminal Responsibility

13 39-11-411 - Accessory after the fact.

14

15 A person is an accessory after the fact who, after the commission of a felony, with
16 knowledge or reasonable ground to believe that the offender has committed

1 (a) the felony, and with the intent to hinder the arrest, trial, conviction or
2 punishment of the offender:

3

4 **(1) Harbors or conceals the offender.**

5

6 (2) Provides or aids in providing the offender with any means of avoiding
7 arrest, trial, conviction or punishment; or

8 (3) Warns the offender of impending apprehension or discovery.

9 (b) This section shall have no application to an attorney providing legal services
10 as required or authorized by law.

11 (c) Accessory after the fact is a Class E felony.

12 [Acts 1989, ch. 591, § 1; 1994, ch. 978, § 4; 1995, ch. 281, § 1.]

13 Also has an 39-11-411. Accessory TO Mr.swifts FALSE POLICE REPORT

14 2010 Tennessee Code

15 Title 39 - Criminal Offenses

16 Chapter 16 - Offenses Against Administration of Government

1 Part 5 - Interference with Government Operations

2 39-16-502 - False reports.

3 .(a) It is unlawful for any person to:

4

5 (1) Initiate a report or statement to a law enforcement officer concerning an

6 offense or incident within the officer's concern knowing that:

7

8 (A) The offense or incident reported did not occur.

9

10 (B) The person has no information relating to the offense or incident

11 reported; or

12

13 (C) The information relating to the offense reported is false; or

14

15 (2) Make a report or statement in response to a legitimate inquiry by a law

16 enforcement officer concerning a material fact about an offense or incident

1 within the officer's concern, knowing that the report or statement is false and
2 with the intent to obstruct or hinder the officer from:

3 (A) Preventing the offense or incident from occurring or continuing to occur; or
4 (B) Apprehending or locating another person suspected of committing an
5 offense;

6 (2) A violation of subdivision (a)(3) is a Class C felony. [Acts 1989, ch. 591, § 1;
7 1990, ch. 1030, § 28; 1998, ch. 690, § 1; 2000, ch. 976, § 1; 2002, ch. 849, § 6.]

8 Due to the fact that the other named defendants not only fall under

9 2010 Tennessee Code

10 Title 39 - Criminal Offenses

11 Chapter 16 - Offenses Against Administration of Government

12 Part 5 - Interference with Government Operations

13 39-16-502 - False reports. But also 39-11-411. Accessory after the fact, for swifts
14 rico violations and the civil rights violations perpetrate by the arresting officer
15 (Mullen) and his back up.

16 **Mullens arrest affidavit is fraudulent because the police report was fraudulent,**
17 **the report was made to obstruct my arrest. Being that mulleins affidavit is**

1 fraudulent he and 4 others violated my 4th amendment right Mullen committed

2 2 counts of obstruction of justice 1503 for each fraudulent mark (1989 sn:

3 86363039) and (1989 sn: 86369161) equaling 1 count of RICO, caused by taylor

4 swifts and her father scott swifts and andrea swifts fraudulent police report.

RICO Count 1

6 13 management is the company that deals with taylor swifts trademarks and
7 anything todo with ip, ive had many cases with them and it can be easily proven
8 that they committed multiple counts of RICO doug baldridge making most of the
9 fraudulent filings in all my lawsuits. In Beauford v. Helmsley, S. Ct.
10 (1989), Mail and wire fraud were a part of the scheme, as defendants used the

court papers RICO Count 2

13 Taylor swift gifted the house I was arrested at to her mother I was arrested at
14 were officer mullen committed 2 counts of obstruction 1503, Taylor Alison swift
15 swift is an accessory to Andrew Mullen RICO violations. At least conspiracy. She
16 also an accessory to Relifords 4 counts of mail fraud fraud 18 U.S.C. Section
17 1341.

1

RICO Count 3

3 Neal and Harwell is the laws firm on lawsuit 21c444 hired by 13 management and
4 JESSE P. SCHAUDIES, neal and Harwell accessory to Andrew mullens, taylor swifts
5 and Andrea Finley swifts rico violations also lawyer mozianio S Reliford sent me 4
6 letters on march 17th April 6th and April 13th there is another letter but I lost it
7 (Reliford committed at least 4 counts of mail fraud fraud 18 U.S.C. Section 1341—
8 Mail Fraud) Reliford gets his own rico count.

9 2 of which I dismissed myself due to mental exhaustion.

10

11 Memorandum of law to bring this lawsuit.

12 1. the Racketeer Influenced and Corrupt Organizations aCt (RICO), 18 U.S.C. '
13 1961-1968, which is Title IX of the Organized Crime Control Act of 1970 (OCCA),
14 imposes criminal and civil liability upon persons who engage in certain "prohibited
15 Activities," each of which is defined to include, as a necessary element, proof of a
16 "pattern of racketeering activity." ' 1962. "Racketeering activity" means "any act
17 or threat involving" specified state law crimes, any "act" indictable under
18 specified federal statutes, and certain federal "offenses." ' 1961(1). A "pattern"

1 requires "at least two acts of racketeering activity" within a 10-year period.¹
2 19651(5).

3

4 Continuity of racketeering activity likewise may be demonstrated in a variety of
5 ways. Continuity is centrally a temporal concept, and may be either closed-or
6 open-ended. A party alleging a RICO violation may demonstrate continuity over a
7 closed period by proving a series of related predicates extending over a
8 substantial period of time.

9

10 (c) Neither RICO's language nor its legislative history supports a rule that a
11 defendant's racketeering activities form a pattern only if they are characteristic of
12 organized crime. No such restriction appears in RICO's test. Nor is there any
13 language suggesting that RICO's scope should be limited to acts of an association
14 rather than an individual acting alone.

15

16

17

18

1 A line of cases hold that any governmental agency, court, political office or the
2 like could serve as a RICO "enterprise." United States v. Thompson, 685 F.2d 993,
3 999 (6th Cir. 1982)(en banc) cert. denied, 459 U.S. 1072 (1983). Among the
4 government units that have been held to be "enterprises" are offices of governors
5 and state legislators, courts, court clerks' offices. See e.g., United States v.
6 Stratton, 649 F.2d 1066, 1072-75 (5th Cir. 1981); United States v. Clark, 656 F.2d
7 1259, 1261-67 (8th Cir. 1981) Office of county judge); United States v. Frumento,
8 405 F. Supp. 23, 29-30 (E.D. Pa. 1975), affd, 563 F.2d 1083 (3d Cir. 1977). cert,
9 debued, 434 U.S. 1072 (1978).

10

11 Decisions after Frumento expanded government activity to every conceivable
12 government agency, court, or political office. United States v. Thompson, 669 F.2d
13 1143 (6th Cir), revd 685 F.2d 993 (6th Cir. 1982)(en banc), cert. denied, 459 U.S.
14 1072 (1983)

15

16 . Each of these criminal acts were compounded by the fact that they were
17 perpetrated by people in positions of trust, who were paid to enforce the law.

18

19

1 . Expanding on the number of parties involved in the series of predicate acts
2 were the unknown—but suspected—U.S. Department of Justice—parties that were
3 orchestrating the multiple schemes and conspiracies and protecting each of the
4 criminal acts of each and every one.

5

6 Title 18 U.S.C. § 1962(a) provides:

7

8 Title 18 U.S.C. § 1962(d) makes it "unlawful for any person to conspire to violate
9 any of the provisions of subsections (a), (b), or (c) of this section."

10

11 In Beauford v. Helmsley, S. Ct. (1989), the Supreme Court held that it is
12 not necessary to prove that multiple schemes, episodes or transactions occurred
13 in order to establish a "pattern of racketeering activity," as long as the
14 racketeering acts were "neither isolated nor sporadic."

15

16 Mail and wire fraud were a part of the scheme, as defendants used the mails and
17 telephone to carry out their schemes. The mails were used in filing court papers,

1 used to notify plaintiff of these filings, More than two, actually dozens of
2 instances, of such mail and wire fraud occurred, in a pattern of racketeering
3 activity.

4 In H.J. Inc. v. Northwestern Bell Telephone Co. vs. U.S. (June 26, 1989), the
5 court held:

6 The Racketeer Influenced and Corrupt Organizations aCt (RICO), 18 U.S.C. ' 1961-
7 1968, which is Title IX of the Organized Crime Control Act of 1970 (OCCA),
8 imposes criminal and civil liability upon persons who engage in certain "prohibited
9 Activities," each of which is defined to include, as a necessary element, proof of a
10 "pattern of racketeering activity." ' 1962. "Racketeering activity" means "any act
11 or threat involving" specified state law crimes, any "act" indictable under
12 specified federal statutes, and certain federal "offenses." ' 1961(1). A "pattern"
13 requires "at least two acts of racketeering activity" within a 10-year period.'
14 19651(5).

15
16 Continuity of racketeering activity likewise may be demonstrated in a variety of
17 ways. Continuity is centrally a temporal concept, and may be either closed-or
18 open-ended. A party alleging a RICO violation may demonstrate continuity over a

1 closed period by proving a series of related predicates extending over a
2 substantial period of time.

3
4 (c) Neither RICO's language nor its legislative history supports a rule that a
5 defendant's racketeering activities form a pattern only if they are characteristic of
6 organized crime. No such restriction appears in RICO's test. Nor is there any
7 language suggesting that RICO's scope should be limited to acts of an association
8 rather than an individual acting alone.

9
10 RICO Requires no more than a slight effect upon interstate commerce.
11 United States v. Doherty, 867 F.2d 47, 68 (1st Cir. 1989). United States v. Murphy,
12 768 F.2d 1518, 1531 (7th Cir. 1985). cert. denied, 106 S.Ct. 1188 (1986).

13
14 The racketeering activity is not required to benefit the enterprise. The
15 participants in the scheme are not required to have personally profited, though
16 some did. United States v. Killip, 819 F.2d 1542, 1`549 (10th Cir. 1987).

17
22
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1 Congress limited the force of Rule 8(b) by loosening the statutory requirements
2 for what constitutes joint criminal activities. United States v. Friedman, 854 F.2d
3 535, 561 (2d Cir. 1988); United States v. Castellano, 610 F.Supp. 1359, 1396
4 (S.D.N.Y. 1985). If a defendant is not named in a conspiracy or RICO count, he may
5 be charged in a separate court, in the same indictment, if he is alleged to have
6 participated in the same series of acts or transactions that constituted the
7 conspiracy or RICO offense.

8

9 **Civil Liability**

10 Section 1964(c) of the RICO Act also allows civil claims against anyone accused
11 of a RICO violation. When a civil RICO claim is successfully established, the
12 injured person automatically receives a judgment of three times the amount of
13 their actual damages, plus legal fees

14

15 RICO employs broad definitions to sweep a wide variety of enterprise criminal
16 activity into its purview. One of the original goals of RICO was to eliminate
17 organized-crime families. However, because Congress could not legislate against
18 specific persons or families, it was forced to use broad language to define

1 racketeering and organized crime. The far-reaching language of the statute has
2 subjected a wide range of criminal defendants to RICO's penalties. The typical
3 RICO defendant is far from the stereotypical violent mobster. A RICO defendant
4 can be anyone who uses a business (including courts of law) in any way to
5 commit two or more of the many racketeering offenses.

6

7 **Void judge's orders**

8

9 **1. A judge is an officer of the court, as well as are all attorneys. A state judge is a**
10 **state judicial officer,paid by the State to act impartially and lawfully. A federal**
11 **judge is a federal judicial officer, paid by thefederal government to act**
12 **impartially and lawfully. State and federal attorneys fall into the same general**
13 **category and must meet the same requirements. A judge is not the court.**

14 **People v. Zajic, 88 Ill.App.3d 477,**

15

16 **2. "Fraud upon the court" occurs whenever any officer of the court commits**
17 **fraud before a tribunal. A judge is not a court; he is under law an officer of the**

1 **court, and he must not engage in any action to deceive thecourt. Trans Aero Inc.**
2 **v. LaFuerga Area Boliviana, 24 F.3d 457 (2nd Cir. 1994); Bulloch v. United States,**
3 **763 F.2d 1115, 1121 (10th Cir. 1985) (fraud upon the court exists "where the**
4 **judge has not performed his duty).**

5

6 **3. Whenever any officer of the court commits fraud during a proceeding in the**
7 **court, he/she isengaged in "fraud upon the court". In Bulloch v. United States,**
8 **763 F.2d 1115, 1121 (10th Cir. 1985),**

9 the court stated "Fraud upon the court is fraud which is directed to the judicial
10 machinery itself and is not fraud between the parties or fraudulent documents,
11 false statements or perjury. ... It is where the court or a member is corrupted or
12 influenced or influence is attempted or where the judge hasnot performed his
13 judicial function --- thus where the impartial functions of the court have been
14 directly corrupted.""Fraud upon the court" has been defined by the 7th Circuit
15 Court of Appeals to "embrace that species of fraud which does, or attempts to,
16 defile the court itself, or is a fraud perpetrated by officers of thecourt so that the
17 judicial machinery can not perform in the usual manner its impartial task of
18 adjudgingcases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689

1 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further
2 stated "a decision produced by fraud upon the court is not in essence a decision at
3 all, and never becomes final."

4

5 **4.What effect does an act of "fraud upon the court" have upon the court**
6 **proceeding? "Fraud upon**
7 **the court" makes void the orders and judgments of that court. The U.S.**
8 **Supreme Court has consistently held that a void order is void at all times, does**
9 **not have to be reversed or vacated by a judge, can not be made valid by any**
10 **judge, nor does it gain validity by the passage of time. The order is void ab**
11 **initio.**

12 Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920).

13 **"Fraud destroys the validity of everything into which it enters," Nudd v. Burrows**
14 (1875), 91 US 426, 23 Led 286,290; particularly when "a judge himself is a party to
15 the fraud," Cone v. Harris (Okl. 1924), 230 P. 721, 723. Windsor v. McVeigh
16 (1876), 93 US 276, 23 Led 914, 918.

17

1

2 **5.**A judgment may not be rendered in violation of constitutional protections.

3 The validity of a judgment may be affected by a failure to give the constitutionally

4 required due process notice and an opportunity to be heard. Earle v. McVeigh, 91

5 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). Prather vLoyd, 86

6 Idaho 45, 382 P2d 910.

7

8 6. The limitations inherent in the requirements of due process and equal

9 protection of the law extend to judicial as well as political branches of

10 government, so that a

11 judgment may not be rendered in violation of those constitutional limitations and

12 guarantees. Hanson v Denckla, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

13

14

15

16

1

2

3 **Specific relief requested.**

4 **Injunctive relief,**

5 A1 Set aside Judge William L. Campbells void order in case 3:20-cv-00938 Silva

6 v. Mullen et al for committing Rico violations. Even if he did not commit Rico

7 violations (which he did), I wasn't given due process. Making his order void, void

8 ab initio.

9 **Monetary relief,**

10 For general damages I want 4 years of medium Tennessee income from each

11 defendant for 13 management committing rico violations over the past 4 years,

12 stating back 3:18-cv-00688-MMH-JRK Silva v. TAS Rights Management, LLC. Over

13 10 federal lawsuits ive had with due over 4 years. \$56,084 4x 224,336 dollars.

14 Total amount 897,344 dollars from all defendant's in monetary damages.

15 13 management 224,336 dollars

16 Taylor alison swift swift 224,336 dollars

17 Neal and Harwell 224,336 dollars

1

2 **Punitive damages**

3 13 management 89,000,000 million dollars

4 Andrea Finley swift 89,000,000 million dollars

5 Neal and Harwell 89,000,000 million dollars

6

7 **Memorandum for punitive damage's**

8 Because punitive damages are intended to punish the wrongdoer, a wealthy
9 wrongdoer should face a higher punitive damages award than a less wealthy
10 party. *Neal v Farmers Ins. Exch.* (1978)21 C3d 910, 928, 148 CR 389 ("the function
11 of deterrence . . . will not be served if the wealth of the defendant allows him or
12 her to absorb the award with little or no discomfort"). *Little v Stuyvesant Life Ins.*
13 Co. (1977)67 CA3d 451, 469, 136 CR 653; see also *Michelson v Hamada* (1994)29
14 CA4th 1566, 1595, 36 CR2d 343. [a]lthough appellate courts have sometimes used
15 the terms "wealth," "financial condition" and "net worth" interchangeably
16 [citations], clearly these terms are not synonymous. And, while "net worth" is

1 probably the financial measurement most often used in setting the amount of
2 punitive damages, no court has held that it is the only permissible measurement.

3 See also Cheung v Daley (1995)35 CA4th 1673, 1677, 42 CR2d 164; Kizer v County
4 of San Mateo (1991) 53 C3d 139, 147, 279 CR 318. In Clark v McClurg (1932) 215 C
5 279, 9 P2d 505, however, an award of \$5000 in punitive damages was upheld
6 when the jury left blank the space for actual damages.

7 In Cheung, defendant was accused of fraudulently transferring real property to
8 evade satisfaction of a nuisance judgment against him. The jury found that
9 plaintiff was entitled to compensatory damages in the amount of \$0. The jury
10 further found that by making the fraudulent transfers, defendant had acted with
11 fraud, oppression, or malice, and awarded punitive damages. On appeal, the
12 court concluded that "the rule of Mother Cobb's Chicken -- that an award of
13 exemplary damages must be accompanied by an award of compensatory
14 damages--is still sound. That rule cannot be deemed satisfied where the jury has
15 made an express determination not to award compensatory damages." 35 CA4th
16 at 1677.

17 Michelson v Hamada (1994)29 CA4th 1566, 1593, 36 CR2d 343; Las Palmas
18 Assocs. v Las Palmas Center Assocs. (1991)235 CA3d 1220, 1243, 1 CR2d 301

1 ("punitive damages are not awarded for the purpose of rewarding the plaintiff,
2 but to punish the defendant"); *Kaye v Mount La Jolla Homeowners Ass'n*
3 (1988)204 CA3d 1476, 1493, 252 CR 67; *Dyna-Med, Inc. v FEHC* (1987) 43 C3d
4 1379, 1387, 341 CR 67 (punitive damages "serve but one purpose—to punish and
5 through punishment, to deter"); *Castaic Clay Mfg. Co. v Dedes* (1987)195 CA3d
6 444, 450, 240 CR 652; *Neal v Farmers Ins. Exch.* (1978)21 C3d 910, 928 n13, 148
7 CR 389. Accordingly, punitive damages should not be greater than the amount
8 necessary to accomplish these goals. *Weeks v Baker & McKenzie* (1998)63 CA4th
9 1128, 1166, 74 CR2d 510; *Michelson v Hamada* (1994)29 CA4th 1566, 1593, 36
10 CR2d 343; *Neal v Farmers Ins. Exch.* (1978)21 C3d 910, 928 n13, 148 CR 389 ("the
11 function of punitive damages is not served by an award which, in light of the
12 defendant's wealth and the gravity of the particular act, exceeds the level
13 necessary to properly punish and deter").

14 The deterrence justification for punitive damages is motivated by two objectives:
15 (1) to deter the specific defendant in the case from repeating or continuing his,
16 her, or its offensive behavior and (2) to deter, generally, other potential parties
17 from committing similar offenses. See Restatement (Second) of Torts §908. This
18 rationale of deterrence is especially strong in cases in which other measures of
19 civil damages, and the unlikely prospect of criminal prosecution, are together

1 insufficient to prevent an individual or entity from engaging in a wrongful act.

2 Indeed, absent the fear of punitive damages, a defendant may have little

3 incentive to discontinue the unlawful or harmful conduct.

4 determine the amount of punitive damages to award, the Book of Approved Jury

5 Instructions (BAJI) states that the jury should consider:

6 (1) The reprehensibility of the conduct of the defendant.

7 (2) The amount of punitive damages which will have a deterrent effect on the

8 defendant in the light of defendant's financial condition.

9 Even if plaintiff suffers only minimal damage, willful and intentional misconduct

10 may be basis for award of punitive damages, In re Baker, 18 B.R. 243, 245 (Bankr.

11 WDNY 1982).

12 Punitive damages may be awarded in a tort action arising from the parties

13 contractual relationship and other matters if the plaintiff demonstrates; (1) that

14 the defendant's conduct is actionable as independent tort; (2) the tortious

15 conduct is of an egregious nature; (3) the egregious conduct is directed toward

16 the plaintiff; (4) the defendant's conduct is part of a pattern directed at the public

17 generally, Conocophillips v. 261 E. Merrick Rd. Corp., 428 F.Supp.2d 111, 129

18 (EDNY 2006).

1 punitive damages should be reserved for cases where defendant acted with the
2 degree of malice akin to the mens rea required for most crimes, Jeffries v.
3 Harleston, 21 F.3d 1238, 1249, cert. granted, vacated on other grounds, 513 U.S.
4 996 (1994).

5 In federal cases, the factfinder may award punitive damages if the defendant's
6 conduct "was malicious, oppressive or in reckless disregard of the plaintiff's
7 rights, Generally, punitive damages can be awarded in an amount up to the
8 greater of \$500,000.00 or three times the amount of compensatory damages.

9 Fla. Stat. 768.73(1)(a) However, the amount of punitive damages may be greater
10 upon proof that the conduct was motivated by unreasonable financial gain or
11 specific intent to harm. No cap in Florida if intent was on purpose for punitive
12 damages.

13 Vicariously assessed punitive damages are insurable in Florida. U.S. Concrete Pipe
14 Co., 437 So. 2d 1061. See also Highlands Ins. Co. v. McCutchen, 486 So. 2d 4 (Fla.
15 Dist. Ct. App. 1986).

16 There is no maximum dollar amount of punitive damages that a defendant can be
17 ordered to pay. In response to judges and juries which award high punitive
18 damages verdicts, the Supreme Court carved out a notable exception to this rule

1 of proportionality in the case of TXO Production Corp. v. Alliance Resources Corp.,
2 where it affirmed an award of \$10 million in punitive damages, despite the
3 compensatory damages being only \$19,000, a punitive-to-compensatory ratio of
4 more than 526.

5

6 **2014 Tennessee Code**

7 **Title 29 - Remedies and Special Proceedings**

8 **Chapter 39 - Compensation for Economic and Noneconomic Damages**

9 **§ 29-39-104 - Punitive damages.**

10

11

12 **Pro se case law,**

13 **1. Elmore v. McCammon (1986) 640 F. Supp. 905**

14 **"... the right to file a lawsuit pro se is one of the most important rights under**
the constitution and laws."

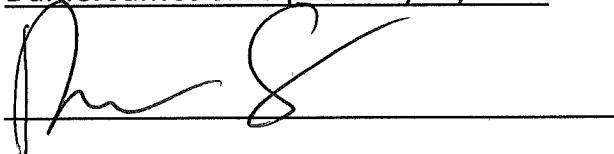
1 2. Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co.,
2 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 Pro se pleadings are to be
3 considered without regard to technicality; pro se litigants' pleadings are not to
4 be held to the same high standards of perfection as lawyers.

5

6 3. Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

7 "Pleadings are intended to serve as a means of arriving at fair and just
8 settlements of controversies between litigants. They should not raise barriers
9 which prevent the achievement of that end. Proper pleading is important, but
10 its importance consists in its effectiveness as a means to accomplish the end
11 of a just judgment."

12 Daniel James silva pro se 7/16/2021

A handwritten signature consisting of two stylized letters, 'D' and 'S', written in black ink on a horizontal line.

14 Celticmoon1989@yahoo.com

15 501 Lester lane Winston Salem nc 27103

1 this court has approved my forma pauperis in case 3:20-cv-00938 Silva v.

2 Mullen et al William L. Campbell Jr, so this court has already declared me a

3 pauper and that was when I had a job I don't have one anymore.

4 Further Rico violations

5 Tas management and their conspirators have recently committed rico violations

6 in this court Case No. 3:21-cv-00136 involving invalid copyright 1989, William L.

7 Campbell, Jr presided over a case Case No. 3:21-cv-00136 in the very same court

8 he committed Rico violations in case 3:20-cv-00938 Silva v. Mullen et al. earlier

9 in the year.

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1 **Table of contents (exhibits)**

2 **Exhibit A - name of Taylor swifts album (T.S. 1989) (86369455)**

3 **Exhibit B – photo of swifts album**

4 **Exhibit C- Fraudulent trademark (1989) (sn: 86369161)**

5 **Exhibit D – Fraudilent trademark (1989) (sn:86363039)**

6 **Exhibit E – mail fraud from neal and Harwell 18 usc 1341**

7 **Exhibit F - mail fraud from neal and Harwell 18 usc 1341**

8 **Exhibit G - mail fraud from neal and Harwell 18 usc 1341**

9 **Exhibit H – arrest affidavit from officer Andrew mullen**

10 **Exhibit I – general affidavit**